

OCT 22 2008

Docket No. DEP5229USNP
Serial No.: 10/774,105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: DiMauro Group Art Unit: 3761
Serial No.: 10/774,105 Examiner: Stephens, Jacqueline
Filed: Feb. 6, 2004
Title: Implant Having a Photocatalytic Unit

CERTIFICATE OF FACSIMILE

I, Amy Pelletier, hereby certify that this correspondence is being filed via facsimile to the United States Patent and Trademark office at 571-273-8300 on October 22, 2008

/Amy Pelletier/ (signature)
Amy Pelletier

Eugene Szczecina (name of Registered Representative)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Renewed Petition for Revival of an Application for
Patent Unintentionally Abandoned Under 37 CFR 1.137(b)**

Sir:

In response to the Notice of Dismissal of Applicant's Petition for Revival of an Application for Patent Unintentionally Abandoned under 37 CFR 1.137(b), Applicants respectfully submit an RCE, Response to Final Office Action, Petition for Revival and accompanying statement for consideration.

Applicants respectfully request a one-month extension of time to respond to the Notice of Dismissal mailed on July 22, 2008, extending the deadline for a response to October 22, 2008.

Docket No. DEP5229USNP

Serial No.: 10/774,105

Please charge the required fee for submission of an RCE and for the one-month extension of time to Deposit Account No. 10-0750. It is our understanding that it is not necessary to pay the required fee for revival, however, please charge any additional fees due to Deposit Account No. 10-0750, but please do not pay any issue fees.

Respectfully submitted,

/Eugene L. Szczecina, Jr./

Eugene L. Szczecina, Jr.

Attorney for Applicants

Reg. No. 35,029

Johnson & Johnson

1 Johnson & Johnson Plaza

New Brunswick, NJ

(732) 524-1479

OCT 22 2008

PTO/SB/64 (01-08)

Approved for use through 04/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
DEP5229USNP

First named inventor: DiMauro

Application No.: 10/774,105

Art Unit: 3761

Filed: February 6, 2004

Examiner: Stephens, Jacqueline

Title: Implant Having a Photocatalytic Unit

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

10/23/2008 PCHOMP 00000000 100750

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NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of Amendment (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 22 2008

PTO/SB/64 (01-08)

Approved for use through 01/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Eugene L. Szczecina, Jr./

Signature

October 22, 2008

Date

Eugene Szczecina

Typed or printed name

35,029

Registration Number, if applicable

One Johnson & Johnson Plaza

Address

732-524-1479

Telephone Number

New Brunswick, NJ 08933

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 22, 2008

Date

/Amy Pelletier/

Signature

Amy Pelletier

Typed or printed name of person signing certificate

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/s/ Amy Pelletier/ (signature)
Amy Pelletier

Eugene Szczecina (name of Registered Representative)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Statement Accompanying Petition For Renewed Revival of an Application for Patent
Unintentionally Abandoned Under 37 CFR 1.137(b)**

Sir

Pursuant to 37 CFR 1.137(b), the entire delay in filing the Amendment concurrently herewith from the non-extended due date of October 25, 2007 to date was unintentional.

Applicants were not aware of the Office Action mailed on July 25, 2007 until after the time to respond had expired. The pending office action was mailed to our prior counsel, Lowry, Lando & Anastasi located in Cambridge, Massachusetts. To the best of my knowledge, prior counsel did not contact Applicants regarding this matter nor did they provide Applicants with a copy of the pending Office Action. I only became aware of the Office Action when Examiner Stephens contacted me on or about January 31, 2008, inquiring whether a response had been filed. On or about April 14, 2008, I received a copy of the Notice of Abandonment (dated February 27, 2008) from prior counsel accompanying a letter from them dated April 8, 2008.

In light of the above and in consideration of the accompanying documentation, Applicant respectfully requests that the Examiner consider reviving the above-identified patent application.

Docket No. DEP5229USNP
Serial No.: 10/774,105

In addition, besides the above referred to Amendment, we are filing concurrently an executed Power of Attorney and Statement Under 37 CFR 3.73(b) to change the Power of Attorney and correspondence address for this application.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,
/Eugene L. Szczecina, Jr./
Eugene L. Szczecina, Jr.
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1 Johnson & Johnson Plaza
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(732) 524-1479